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German social insurance as a negative foil in Danish policy debates during the formative years of “social legislation”.

Lars Schädler Andersen,¹ Jørn Henrik Petersen & Klaus Petersen²

I. The emergence of Acts on protection in case of old age, invalidity, sickness and industrial accidents in Germany and Denmark

During the 1880s Germany led the world into the age of social insurance by implementing sickness insurance in 1883,³ insurance in case of accidents in 1884, and old age and invalidity insurance in 1889. Germany served as an innovator in three different, but interrelated policy areas.

Denmark introduced old age relief independently from the poor law in 1891,⁴ voluntary sickness insurance in 1892⁵ and in 1898 a scheme on em-

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² Centre for Welfare State Research, University of Southern Denmark, Campusvej 55, 5230 Odense M, Denmark. [jhp@sam.sdu.dk; klaus.petersen@hist.sdu.dk]. This contribution was presented at the NORDWEL seminar in Rome 10.-12. January 2010. It is a by-product of our project “Danish Welfare History” (“Dansk Velfærdshistorie”) to be published in six volumes over the period 2010-2014. The project is financed by *Carlsbergfondet*.

³ The original idea was to adopt the accident insurance Act as the first step of the reform followed by sickness insurance. Since the former was based on new principles and institutions, whereas the latter relied on existing institutions accommodable to new views, the proposal on accident insurance met stronger opposition in the Reichstag. The Act on sickness insurance, therefore, was adopted first (1883).

⁴ The Act on Old Age Relief for deserving poor outside the poor law was innovative. Relief from the old was separated from the poor law to release deserving old from the stigma which followed from the legal effects (loss of civil and political rights) of the poor law. Separate treatment, however, was conditioned by the recipients’ fulfilling of a number of deservingness criteria. The benefits were financed from taxation. The criterion of entitlement was 60 years of age if the recipient had not collected poor relief within the previous 10 years. Benefits were means-tested in a discretionary manner, but were granted on a more permanent basis than were benefits from poor relief.

⁵ The sickness insurance system was built on the existing network of private, self-governing sickness funds. The first had seen the light of the day in the 1820s, but the breakthrough followed the liberal trade law (1862) which abolished the old guilds. In particular the 1880s witnessed strong growth as the number of funds in 1885 amount-

ployers' liability for accidents.⁶ Geographic proximity, cultural and linguistic similarities, and confrontation with similar problems suggest that Denmark drew lessons from Germany, but actually the Danish "system" – if one may speak about a system at all – represented an alternative to the German innovation moving along a trajectory of its own. Did policy transfer not take place, or did it take place in a peculiar manner?

II. Transnational diffusion, policy transfer and lesson-drawing

Transnational policy transfer refers to the process by which knowledge of policies, administrative arrangements, institutions and ideas in one nation/state (past or present) is used or not used in the development of policies, administrative arrangements, institutions and ideas in another nation/state (Dolowitz 2000: 3; Dolowitz & Marsh 2000: 5), i.e. the process by which actors borrow policies developed in one setting to develop programmes and policies within another (Dolowitz & Marsh 1996: 357).

Policy diffusion (Walker 1969; Clark 1985) can be seen as the more general term with policy transfer as a more specific form, referring only to cases where conscious, external knowledge of a policy program or idea is utilized (possible in a domesticated form) or not in developing domestic policy (Newmark 2002) or cases in which external programs or ideas serve as a negative foil in domestic policy debates. Finally, "lesson drawing" (Rose 1991) is a subtype of policy transfer placed at the voluntary end of a continuum spanned by voluntary and coercive transfers (Dolowitz 2000).

Dolowitz and Marsh (1996) generate a series of questions which are relevant partly to explain the process of policy transfer as a dependent variable and partly to explain policy transfer as an explanatory, independent variable underlying policy outcomes: What motivates actors to engage in policy trans-

ed to 1.000 – a doubling since 1870, and the number of members increased from 12.000 in 1862 to 115.000 in 1893. The 1892-Act was based on voluntary membership, but restricted to those of limited means. The funds were granted subsidies from the state, if they were approved – and approval implied some control and guiding supervision. The principle was help to self-help.

⁶ The accident insurance system was based on employers' liability to pay compensation. Approximately 90 % of liable employers insured their workers in private insurance companies

fer, and how do supporters and opponents of various policies use lessons selectively to gain advantage in the struggle to get their ideas accepted? Who are the key actors involved in the policy transfer process (elected officials, political parties, bureaucrats/civil servants, pressure groups, policy entrepreneurs and experts, transnational corporations, think tanks, supra-national governmental and non-governmental institutions and consultants)? Why is policy transferred? What is transferred (policy goals, policy content, policy instruments or administrative techniques, policy programs, institutions, ideologies, ideas, attitudes and concepts, and negative lessons)? [According to the literature (Rose 1991: 4; Newmark 2002:154) negative lessons mean that observers learn what not to do from watching the perceived mistakes of others, or that an entity decides not to adopt a particular policy or behaviour change. The use of concrete and specific programs adopted in another state/nation as negative foil for domestic political debates seems to be neglected]. Are there different degrees of transfer (copying, emulation, combination (hybridization and synthesis) and inspiration)? From where are lessons drawn (the international, the national or the local level)? What factors constrain or facilitate transfer? Past policies, structural and institutional factors, the political system's political, bureaucratic and economic resources, and ideological similarities or differences can be decisive when actors look for lessons. Constraining factors, obviously, mean that geographic propinquity is far from a sufficient condition for policy transfer.

III. The object of possible policy transfer – the German “social insurance paradigm” as key concept

It is outside the scope of this contribution to describe and analyse the decision processes prior to the German adoption of the “social insurance paradigm”, see Rothfels (1927), Kleeis (1928), Quandt (1938), Vogel (1951), Peters (1978), Zacher (1979), Tennstedt (1981a, 1981b), Zöllner (1981), Ritter (1983), and Hennock (1987, 2007).

It is reasonable to see the German “social insurance paradigm”⁷ (a program and administrative techniques firmly ideologically anchored) as a key

⁷ In the literature of the day it is alternating termed “the German solution”, “the German system” or “the German social insurance”.

concept which may give rise to policy transfer. The Danish economist and statistician Cordt Trap⁸ (1889a: 32) wrote:

By Bismarck's mighty authority Germany has succeeded in adopting Acts on workers' insurance in case of sickness and accidents. Strongly influenced from Germany, other countries have either adopted or are working on similar measures.⁹

Was this the case also in Denmark and how?

The social insurance schemes adopted in Germany in the 1880s were based on a peculiar emphasis attributed to previous approaches to social protection which mirrored the German political and cultural legacy: 1) savings,¹⁰ 2) assistance by local entities or the state (public responsibility), 3) employers' liability, 4) insurance, 5) paternalism and 6) cooperative self-help. Public responsibilities turned into arrangements set up by public law (and some public subsidies), employers' liability into employer's contributory payments, insurance into compulsory insurance, paternalism into schemes exclusively directed towards workers and employees and cooperative self-help into corporative administration (Zöllner 1981: 48).

German social insurance – a remedy to solve the labour question and to frustrate the growing Social Democratic movement through material concessions to the working class – was, despite differences in details of the three schemes adopted, characterised by

⁸ In 1889 (1859-1937) Trap was working in the Ministry of Finance. In 1896 he became the successor of Marcus Rubin as Head of Copenhagen's Statistical Office. He was intensively involved in the debates of the day on social issues. Trap (1892) is a thorough analysis of the thinking on protection in old age in a number of European countries. He was a frequent contributor to the *Journal of the Economic Association*.

⁹ In Trap (1889b) he developed the content of the draft proposals and the eventually adopted German Act on insurance in case of invalidity and old age.

¹⁰ Individual saving was praised in the German debates of the day, but apart from the established linkage between length and level of contributory payments on the one hand and level of benefits on the other in the invalidity- and old age insurance neither voluntary nor mandatory individual saving was implemented. This mirror the recognition that workers' ability to save was low.

- a) Compulsory insurance;
- b) Coverage exclusively for workers and employees with income below stipulated limits;¹¹
- c) Partial financing through employers' contributions;
- d) Partial financing through members' contributions;
- e) State subsidies, but only in invalidity- and old age insurance;
- f) Linkage between length and level of contributory payments and level of benefits in case of invalidity and old age;
- g) Some funding in invalidity- and old age insurance;
- h) Corporative organisation and administration.¹²

The German social historian Karl Thieme (1927) saw the idea of compulsory insurance as the decisive hallmark of the Bismarckian paradigm:

Das entscheidende Neue aber ist an Bismarcks Gesetzgebung der staatliche Versicherungszwang, viel mehr als der teilweise Staatszuschuss, den man auf manchem Gebiet schon gekannt hatte ... Staatlicher Zwang rein um des Vorteils der Gezwungenen selbst willen ist die moderne Welt erst durch Bismarck eingeführt worden und stellt dessen Staatsidee in eine merkwürdige Parallele zur katholischen, die ja auch heilsame Zwang allerdings nicht um das leiblichen, sondern nur um des seelischen Privatwohles der Gezwungenen willen anerkennt.

The labour question had been on the political agenda in Germany and Denmark for some years. By the social insurance reforms in the 1880s Germany took the lead by inventing compulsory, contributory and State-controlled insurance. Neighbouring Denmark followed in the 1890s. The peripheral, small Denmark, therefore, had the opportunity to import ideas and draw lessons partly from the preceding German debates and partly – during the 1880s – from knowledge about the proposals put forward and the schemes actually

¹¹ Sickness insurance funds, however, were allowed (by corporative decision) to admit family members.

¹² In their final versions the three laws were very different from the ones the government had originally placed before the Reichstag, not only in details but in fundamentals, and they differed in many respects from Bismarck's original intents. The Reichstag amendments certainly introduced significant differentials compared with the government proposals. These changes are outside the scope of this paper in which we focus on the basic principles of the German insurance paradigm and their reception in Danish debates.

adopted in Germany. The question, therefore, is which role the German social insurance paradigm as a key concept played in Danish debates and in decision processes concerning provision in case of old age, sickness and accidents from. This is the theme of sections V, VI and VII, but before we have to present basic elements of the Danish political context.

IV. The political context

IV.a The political parties

The last 35 years of the 19th century witnessed a mobilisation of large population segments in modern mass parties.

The Liberals, mainly supported by farmers, was formed as a party in 1870 and gained majority in the Lower House in 1872. Even though the party frequently was split into different factions, and even though the party in general was only lukewarmly engaged in promotion of social policies the primary and common objectives were to reduce tax burdens placed on farmers by reducing public spending, to improve the conditions of farmhands with possible impact on the agricultural labour market in mind and/or to shift tax burdens to other groups – particularly the towns. The party was in principle – there were dissidents – carrying a liberal ideology which among other things implied a gradual turn towards support of the principle of help to self-help and resistance against compulsory interventions.

The Right (the Conservatives) was the party representing the old aristocracy, the landed interests, the higher placed civil servants and the better situated part of the urban population. The Right had a majority in the Upper House. The party was – at least in the years before the late 1880s – the social policy initiator, but generally sceptical regarding extensive state interventions. Without committing itself to the German paradigm the party shared basic aims with Bismarck's endeavours. When Wilhelm II, German emperor, in July 1888 visited Prime Minister Estrup,¹³ Estrup informed him that the primary objec-

¹³ J.B.S. Estrup (1825-1913) was landed proprietor. He was actively involved in the elaboration of the 1866-Constitution giving the landed proprietors great influence. In 1875 he was appointed as Prime Minister and served until 1894. He strongly opposed the idea of cabinet responsibility, and was the main cause of the "power struggle" in

tive of the Right was to defend the authority of the King against demands from the Liberals on cabinet responsibility, that the socialist had to be combated partly by repression partly by implementing measures to the advantage of the working class – not least because the former Liberals, the fathers of the 1849-Constitution, had discontinued the old corporations and thus destroyed the institutions ensuring cohesion and mutual support among the workers. Finally, Estrup stressed Danish efforts to keep out of all European disputes and struggles (Fink 1986, II: 115). He did not touch upon the explosive issue on Schleswig, cf. below, but so did the media. It provoked strong German reactions, which at the next step led Danish conservative dailies underline that a proper friendship between Denmark and Germany was dependent on the return of the Danish part of Schleswig to Danish authority.¹⁴ The relation to Germany was tense, indeed.

The Social Democratic party – founded in 1871 – won representation in the Lower House in 1884. The party's parliamentary strength was weak during the formative years of modern social policy – but the existence of the party and the trade union movement had an indirect impact, cf. below.

IV.b Why were Danish initiatives “delayed”? The Constitutional struggle

The social policy initiatives of the 1890s resulted from protracted work in the form of parliamentary debates, legislative initiatives and the work of numerous investigatory committees (Reports were published in 1862,¹⁵ 1866,¹⁶ 1871,¹⁷ 1874,¹⁸ 1878,¹⁹ 1887²⁰). One may wonder, therefore, why it had to last

the cloak of the Constitutional problem. Actually, he was not in favor of the reconciliation in 1890/91, but was forced by other leading members of the Right to accept the new situation. Only reluctantly he was forced to resign as Prime Minister in 1894.

¹⁴ Following the 1864-war Denmark had to cede the three duchesses Schleswig, Holstein and Lauenburg to the King of Prussia and the Austrian emperor. The Danish monarchy was reduced to an insignificant European small state.

¹⁵ The report (1862) investigated how to develop sickness funds in the wake of abolition of the guilds and other protective institutions.

¹⁶ The report (1866) investigated promotion of associations aimed at mutual support in case of sickness and old age.

¹⁷ The report (1871) investigated all matters pertaining to the poor relief system including how to cope with resp. “deserving” and “undeserving” poor.

until the 1890s before social reforms actually were adopted. The explanation lies with “the constitutional struggle”.

The 1866-Constitution – implemented in the wake of the loss of the three duchesses – ensured that the Right held a majority in the Upper House, whereas the Liberals, as mentioned, held the majority in the Lower House. The Cabinet was not responsible to the Lower House, and there was no mechanism to settle conflicts between the two houses. “The constitutional struggle” and the issues related to defence dominated the political agenda to such an extent that positive reform measures were deadlocked for almost two decades during which the government governed on the basis of provisional Finance Acts not voted by the Lower House, and the Liberals responded by a policy of obstruction.

The deadlock was resolved in the 1890s primarily because of a change in agricultural opinion on the proper role of the state in societal life (Petersen 1990). The 1880s was characterised by an increasing gap between agricultural declining selling prices and increasing factor prices – the result being changing farmers’ attitude to the role of the state. To a growing extent they argued in favour of social reforms stemming migration out of the agricultural labour market. How could “the old country” and particular “life in the countryside” be made more attractive. “If it might be said that the social conditions in Denmark are the most happy, and if the workers might be convinced that America is not the land of milk and honey, one would be close to a solution” (Ugeskrift for Landmænd 1883, II: 296). New ideas on the state’s legitimate functions developed. The idea of the minimal state was rejected, and the need to distinguish between purposes best advanced by the state and purposes best encouraged by private initiative was emphasised.

In 1890 the economic factors were added a number of political considerations. By the election in January the Social Democrats won a constituency in the countryside, more radical groups of the Liberals gained ground in Copen-

¹⁸ The report (1874) investigated the economic conditions of the working class in 1872.

¹⁹ The report (1878) was a thorough examination of all issues pertaining to the living conditions of the working class including protection in case of sickness, invalidity, old age etc. The committee put forward a great number of concrete proposals.

²⁰ The report (1887) investigated how to cope with protection in case of sickness and accidents at work.

hagen constituencies traditionally dominated by the Right, Berg's "uncompromising group" of Liberals gained ground at the cost of Bojsen's "moderate" or "negotiating" Liberals and the Social Democrats pursued a more aggressive policy vis-à-vis the Liberals. This bouillabaisse of economic and political factors gave powerful groups in the Right and the "negotiating" Liberals an impetus to seek reconciliation.

Moderate Liberals expressed the hope that the Right would contribute to narrow the gap between the two parties and emphasised that the Liberals would counteract all infringements of society's natural, peaceful development whether the attack was rallied round the flag of the reaction or the international radicalism (*Morgenbladet* 2. May 1890). In reply the Right emphasised that despite differences of opinion "all good forces had to join in an effort to combat currents at variance with the mother country" by promoting social reforms giving workers immediate and demonstrable goods, so that they felt protected against the evils of sickness, accidents and old age (*Politiken* 6. June 1890, *Dagbladet* 7. June 1890). Continuing the dialogue Bojsen – on behalf of the "negotiating Liberals" – said that "all endeavours from an international, social stand to disturb the steady operations of enterprises and the good and peaceful relation between the domestic social classes" had to be counteracted. The lever to obtain a happy future for the mother country had to be cooperation between the parties to develop a solution to the labour question (*Morgenbladet* 1. and 2. July 1890). The views expressed were complying with the arguments of the agricultural journals that "the social reforming movement" had to combat socialism in a practical and effective manner. Obviously, the way was paved for reconciliation between dominant groups in the Right and the "moderate Liberals".

IV.c Attitudes towards Germany

A free constitution was adopted in Denmark in 1849. During the 1850s the constitutional issue played an important role. The aim was to develop a common constitution for the Monarchy and the duchesses Holstein and Schleswig. Such a constitution was adopted in October 1855 restricting the 1849-Constitution to matters of the monarchy only. It was opposed by Holstein, however, and in 1858 the common constitution was abolished as far as Hol-

stein was concerned. The attention turned towards a solution including the monarchy and Schleswig. Holstein objected to all compromises, Russia was weakened and Prussia was developing towards being the strongest continental power. In March 1863 the Danish government announced that Holstein-Lauenburg should be independent and only have the king in common with the Danish-Schleswig monarchy. In consequence a new constitution was adopted in November 1863. Despite pressure from friendly powers and despite the Prussian-Austrian threat to occupy Schleswig until the November constitution was cancelled, the Danish government did not react. The result was the 1864-war the consequence of which was that Denmark had to cede the three duchesses Schleswig, Holstein and Lauenburg to the King of Prussia and the Austrian emperor. The Danish monarchy was reduced to an insignificant European small State.

Following the defeat to Germany in 1864 Denmark became a nation state, but at the cost of having to give up part of national Denmark – the northern part of Schleswig. This unhappy national situation – described by the author Herman Bang as the “traumatic fever of Dybbøl” did last until the reunification in 1920. The 1864-catastrophe called forth a felt unity of nation and state as part of Danish popular understanding of Danish identity – a nation turned against the common enemy. The feeling of identity was also coloured by democratic sentiments originating from the 1849-Constitution. Democracy served as linkage between people/nation on the one hand and state on the other. Ideas on a peculiar Danish national character developed parallel with an image of Germany as an enemy, and the people as empowered and potentially community building entity – decisions to be made “bottom-up” and definitely not from above – a legacy from the enlightenment.

Among outstanding actors involved in developing social legislation one finds ideas on social reforms as a remedy to heal national wounds and to overcome social and political cleavages of the day – reforms as a remedy to cause national unity across differences and conflicts, but framed “from below” as part of community building complying with Danish national character and identity.

The argument of this contribution is that a possible policy transfer has to be seen from these suggested perspectives. Germany and German thinking were met with scepticism. It does not mean, however, that German ideas were not

scrutinised in Denmark, but they did serve rather as a negative foil for efforts to develop a peculiar Danish trajectory firmly anchored in Danish traditions and legacies – demarcating Danes from Germans and uniting Danes on “something” they have in common.

V. The compulsory nature of the paradigm in Danish debate

Danish social policy theoreticians were well aware that the hallmark of the German paradigm was its compulsory nature. The peculiarity of the German social reform was its reliance on compulsion (Sørensen 1904), and this was the reason why the German system from the very beginning appeared as a consistent and organic whole marked by an inner harmony, the work of an architectural genius. The “blue print”-nature ensured application of a basic, common principle – compulsion, but that could on the other hand be an obstacle to “the free growth of life, the organic processes which let institutions appear as budding on the societal body” – manifestly a Danish ideal arguably embodied in Danish identity. Whereas the German reform followed a master-plan, the Danish counterpart had to develop piecewise and dependent on strongly varying political contexts making a conscious planning impossible and implying a complete lack of “system” (Westergaard 1915). The three basic acts of the 1890s, however, shared “the respect for individuals’ freedom” – an obvious (negative) allusion to the compulsory nature of the German paradigm which to some extent served as negative foil for Danish thinking.

V.a Protection in old age

Ideas of compulsory membership of an old age insurance arrangement had played a role in previous Danish debates. The two decades following the adoption of the 1849-Constitution were the golden epoch of economic and political liberalism as well as individualism giving emphasis to self-esteem, individual foresight and voluntariness as concepts educating workers to bonus pater familias behaviour, but the 1870s witnessed encounters between the time-honoured principle of voluntariness and what was termed “the new compulsory idea”.

Not least the medical officer of health and social economist Fr. Krebs²¹ (1874, 1875, 1876), who had been an active member of the 1869-Commission on the Poor Law and who played an important role in the 1875-Commission on the conditions of the working class, argued in favour of a system based on compulsion. “The state must not frighten away from compulsion because of stilted phraseology about intervention in personal freedom, when the aim is to ensure people’s economic independency” (Krebs 1874). Despite these strong words he accepted the idea of compulsion only reluctantly. In principle one had to rely on voluntariness to maintain self-respect, ensure individual responsibility, and to develop the will to provide for oneself.

The majority of the Commission rejected compulsion (Ministerialtidende 1878, B.1 in particular: 767-81) as “weakening the character”. The state was not to be understood as “a provider, but as a protector of individuals’ freedom and rights” (Nielsen 1874: 17). The commission, however, suggested a possible compromise: a habit-forming compulsory insurance covering only young people.

To shed light on the parliamentary attitudes towards this possibility a private bill based on compulsory insurance for the young of age 15-22 was put forward in the parliamentary session 1881/82, and reintroduced in the following session. The majority of the parliamentary commission (Rigsdagstidende 1881/82, B: 1397-1408) rejected compulsion as being at variance with the existing “order of society”, as weakening local self-help associations, making administration difficult, reducing the incentives to save, intervening in rights of disposal and restraining the development of existing institutions. Education towards independence and self-preservation had to be based on voluntariness. Economic incentives might be a proper remedy, but compulsion was excluded.

The argument on compulsion as being at variance with the “order of society” was probably influenced from the extensive reporting in the Journal of the Economic Association (*Nationaløkonomisk Tidsskrift*) on the writings of the German economist Lujo Brentano – opponent of compulsory insurance

²¹ As early as 1869 – two years prior to the foundation of the Social Democratic Party – Krebs (1814-1881) (1869) wrote about the coming workers movement and urged efforts to improve the conditions of workers. In Krebs (1872) he argued that a strong legislation to the advantage of the workers in combination with their own associations would remove the basis of socialism. He was member of the Poor Law Commission appointed in 1869 and the 1875-Commission on the conditions of the working class.

(Ritter 1983: 121). The Journal reported intensively on German debates and scholarly work, but in a selective manner, see for example Petersen-Studnitz (1878, 1879, 1881) who was the secretary of the Journal and the Association, and who wrote numerous reviews and introductions on various subjects.²² Brentano's arguments on compulsion as being at variance with the existing order of society corresponded with dominant views among Danish economists.²³ The selective presentation of the German debate is also mirrored by professor N.C. Frederiksen's²⁴ (1873) extensive review of Ludwig Bamberger (1873). Bamberger was with Eugen Richter leading liberal spokesmen for the German Liberals' ideological combat against the idea of compulsory social insurance. When in 1882 an unknown author reviewed Schäffle (1882) the evaluation was far from neutral. Schäffle's work was called a piece of pettifoggery in favour of Bismarck's plans on compulsory insurance, a work written by the German Reich Chancellor's social political advisor rather the scholar Schäffle.

The proposers of the 1881/82 bill denied that their proposal was an intervention in individual freedom, because compulsion covering all citizens was not compulsion in any other sense than was tax liability. This argument was seized by the opponents seeing it as a break with insurance thinking at all. If contributions were identical to taxes there were no reasons to establish a linkage between the contributory payments and the later benefit level.

Voices were also raised against partial financing by employers because it ran contrary to the interests of the dominant political group: the farmers. To

²² In Petersen-Studnitz (1846-1935) (1878, 1879) he reviewed Lujó Brentano (1879) and in Petersen-Studnitz (1881) he reviewed Brantano (1881). Alexis Petersen-Studnitz was particularly interested in social issues and he always emphasised British liberal economics as superior in this context to German "socialism of the chair". He was an opponent to "socialism of the chair" and over the years he developed into a still more eager spokesman for the ideas of classical, liberal economics.

²³ It was no mere coincidence that Bramsen (1847-1914) (1889c) in his discussion of the German protective laws gave his attention to Brentano's works, for which he was criticized by Schovelin (1889) reviewing Bramsen's work, cf. below.

²⁴ N.C. Frederiksen (1840-1905) was appointed professor at the Copenhagen University in 1867. He left Denmark in 1877 to travel abroad. In his textbooks (Frederiksen 1870, 1874) he strongly argued for "liberal" economics in Bastiat's sense, a position he maintained during his life. He was member of the Lower House 1866-1877 affiliated with the so called "Party of the Middle" manoeuvring between the Right and the Liberals. When the party was dissolved in 1876 he drew nearer to the Liberals.

some extent it may be argued that compulsion, insurance and employer contributions were rejected as remedies in relation to security in old age even before the adoption of the first Act in the German reform complex. A development towards tax financed old age relief had started. This mirrored also the understanding that workers' ability to pay possibly made a voluntary sickness insurance partly based on individual premium payments possible, but it was problematic to extend contributory payments to cover protection also in old age.

Of course, the idea of compulsory insurance appeared on the political agenda when the German Act on invalidity and old age insurance was adopted in 1889, but again it was turned down because the state had no right to intervene in the free disposals of individuals – even though voluntariness was incompatible with the desire to ensure universal coverage, see e.g. Bramsen ²⁵ (1889a, 1889b, 1890).

Cordt Trap (1889a, 1889b) presented a balanced survey of the German 1887-report and the Act actually implemented in 1889 accompanied by a survey on the development in England, Italy, Denmark, France and Sweden. In a neutral manner he discussed the basic choices to be made in elaborating a scheme protecting individuals in old age. His point of departure was the recognition that during the period in which the liberal thought governed science compulsory insurance or subsidies from the public were excluded, but now modern science acknowledged the state as the “natural representative” of society carrying an obligation to improve the condition of life among the lower classes to the extent possible, and solutions to the implied problem were not to be deduced from principles, but by balancing all reasons. This view was what governed his un-ideological presentation.

Obviously, the adopted Danish Act was very different from its German counterpart. This is due to several circumstances. Whereas in the 1880s Ger-

²⁵ Ludvig Bramsen (1847-1914) was educated within insurance and after his fathers death in 1886 he became managing director in New Danish Fire Insurance Company. During his education abroad he got interested in insurance of those of limited means. He was seen as a social policy expert. In 1892 he was elected to the Lower House. He represented the Right, but behaved as a rather independent politician frequently cooperating also with politicians of other parties. He wrote extensively on social matters and influenced in particular the Act on insurance in case of accidents. During the period 1899-1901 he served as Minister of the Interior. In 1903 he was appointed member of the new Commission on insurance in case of invalidity and old age.

man social policy was part of a government agenda among other objectives aiming at enhancing the power of the Imperial government, Danish old age pensions were part of the endeavours to remove categories of deserving poor from the operation of the poor law, i.e. to exclude particular risks from the poor law. And the Act on relief in old age as well as the Act on approved sickness funds (insurance in case of sickness) served as catalysts to pave the way for a reconciliation between the Right and the Liberals, and to improve the conditions of the workers not least in the countryside in order to improve also the conditions of the farmers. The political context, therefore, was fundamentally different. The German efforts were initiated from above so as to enhance the role of the recently established Empire, whereas in Denmark it was strongly emphasized that the development ought to be governed “from below”, i.e. take the existing institutional set-up as the point of departure, thus ensuring continuity. German pensions did not always ensure an income adequate for subsistence and had in some cases to be supplemented by poor law relief, while in Denmark the objective was to remove people of old age from poor relief, i.e. the two schemes – poor law relief and relief in old age – were seen as alternatives. From some views it is reasonable to see Danish relief in old age as basically a reform of the poor law separating identified group from the genuine poor law. The Danish Act, therefore, made use of means-testing and demanded the recipient to fulfil a number of “deservingness criteria”. Such use of means-testing and deservingness was never contemplated by Bismarck, the policy of whom was primarily motivated by political – not moral – considerations.

V.b Insurance in case of sickness

One year after the German adoption of social insurance in case of sickness the prominent representative of the Danish sickness insurance funds, the vicar V. Munck²⁶ (1894) wrote on the future of these. He noted that most Danes would

²⁶ Munck (1833-1913) was theologian and served first as vicar in Flensburg. After the 1864-war he became vicar in Copenhagen where he was engaged in philanthropy organised by the church, see Munck (1867, 1868). In 1875 he moved as a vicar to Herlufsholm. He was deeply involved in developing the sickness insurance funds, and

agree that the “strict machinery” in Germany was disgusting. Coercive goods were not acknowledged as goods and “coercion from above” had to give way for the population’s firm belief in the beneficial concern of the system as such paving the way for its further development by voluntary decisions of the individual. The firm belief’s “silent power” would voluntarily call forth the sufficient personal motivation and vigour as well as sufficient means. Pure self-help might well be reduced, but voluntariness and self-management had to be maintained.

In July 1885 a commission on workers protection in case of accidents was appointed, but in November the mandate was extended to cover also the problems of the sickness insurance funds. The Minister of the Interior forwarded a proposal worked out by the medical officer of health T.M. Trautner²⁷ on “preferential treatment of sickness insurance funds approved by the state”, see also Trautner (1886). The commission, see Betænkning (1887), rejected all ideas on compulsion as being at variance with the development, a disturbing intervention in societal life, societal consciousness and societal institutions. Voluntariness had to be maintained, but if the project was to succeed support from public authorities (subsidies) had to be implemented – the workers were unable to carry the total financial burden themselves. The basic structure had to be developed by a harmonious interplay between voluntariness, approval and supervision by the state, and subsidies from the state.

At the general meeting of the Right in 1888 (Beretning 1889), the German model was described as mirroring “a lot of duress and much art”. The first bill on approved sickness insurance funds (Rigsdagstidende 1888/89, A: 1567-1604) underlined the need to promote “the workers’ free associations”. In the light of the previous debates and the German decisions the bill rejected all uses of compulsion. The institution of sickness insurance funds was developing, and compulsion would counteract the benefits achieved: The moral development of the population, the self-esteem of those of limited means and their courage to ensure their own existence. Even though voluntariness meant

worked in particular for developing a close cooperation between the local funds. It is reasonable to see him as an expert on sickness insurance.

²⁷ Trautner (1838-1903) was strongly interested in social questions, and – supported by the government – he travelled abroad to study the work of sickness funds in other countries.

that some people were not covered, support from the public implied an incentive to move in the proper direction. The development had to continue in a “natural manner” ensuring maximum continuity. The principle had to be help to individuals’ self-help conditioned by approval and supervision.

From the late 1880s the debate was marked by frequent references to “the British versus the German trajectory”, even though it was recognized that it looked as if Denmark was going to enter a trajectory of its own. Comparisons of the German and the British trajectory, however, had been presented in Denmark as early as in the 1870s. Reviewing some Danish scholarly works published in 1875 and 1876 the reviewer C²⁸ (Frederiksen 1877) used the title “Lack of Freedom and Germanism in the political Economy”. The weakness of German social science was, he wrote, that the scholars in a most odd manner had “fallen in love with the State”. Like German civil servants they idolize the State. Even though he had some positive characteristics of Albert Schäffle and Adolph Wagner, he criticised their throwing into relief of the State at the cost of individuals, and their criticism of “the Manchester teaching” in general was described as completely unjustified. The three editors of the Journal of the Economic Association, the economic professors at the University of Copenhagen N.C. Frederiksen, W. Scharling²⁹ and V. Falbe-Hansen³⁰ were all lecturing and arguing within that frame of liberal economic teaching that dominated Denmark at the time, and they strongly influenced the selective reporting of the journal on German economic thinking.

²⁸ The editors of the Journal of the Danish Economic Association were the professors W. Scharling (1837-1911), N.C. Frederiksen (1840-1905) and V. Falbe-Hansen (1841-1932). Niels Kærgaard has argued that C is identical with N.C. Frederiksen, because the review is characterised by his liberal views and style.

²⁹ Scharling (1837-1911) was appointed as professor at the Copenhagen University in 1869. He was co-founder of the Economic Association and served as member of the editorial board from 1873 to 1900. He was used as advisor to the 1875-Commission on the conditions of the working class.

³⁰ When N.C. Frederiksen resigned from his chair it was taken over by Falbe-Hansen (1841-1932) who served as professor of economics until 1902. He was oriented towards classical, liberal economics, and served frequently as an advisor to the government. He was member of the Lower House for a short period in the 1880s elected as representative for the Right, but with close connections also to the Liberals. Since the political context made serious work on social and economic problems more or less impossible, he resigned as member in 1884.

Not least Bramsen's work (1889c) influenced the discussion. The British Act on Relief Funds was seen as admirable based as it was on the interest of the population in its own affairs and its inclination and ability to help itself (Bramsen 1889c: 265). The German social insurance in case of sickness was far from having influenced the moral consciousness of the population in any ennobling manner. Simulated sickness was an everyday occurrence (Bramsen 1889c: 293-295).

We do not think that the German legislation is ugly, but it is not a legislation that we envy.... but we can not avoid to praise Britain as a happy country because it has proved unnecessary to develop such legislation for working men, and in particular because the working population energetically would resist all endeavours to implement acts like the German.

(Bramsen 1889c: 318).

During the first reading (Rigsdagstidende 1889/90, Landstingets Forhandling: 194-252) on the second bill on approved sickness funds (Rigsdagstidende 1889/90, A: 1687-1704), Th. Nielsen³¹ praised voluntariness and referred to German experiences demonstrating partly that compulsion ran contrary to morality, and that the German sickness funds were expensive and bureaucratic.

A few years later (Nogle oplysninger 1898) the Journal of the Sickness Insurance Funds saw it as "a blessing for the Danish population that we had not imitated Germany's social legislation, but chosen our own way which did not expect everything to be called forth by compulsion and regulation from above. In Denmark the most is handed over to voluntariness and individuals' own decisions." It was a frequently voiced view in Danish debates that the

³¹ Thomas Nielsen (1838-1895) was teacher, but only 32 years of age he was elected in 1870 to the Lower House. The social issues were his speciality. He praised the "free competition" which had abolished the old corporative system of guilds and paved the way for individual initiative, but the time had come to introduce "a corrective". He was strongly opposed to compulsory measures, but just as much opposed to economic liberalism. He worked strongly in favour of sickness and old age funds, and he demanded the support of the state. He was engaged in the endeavours to adopt the Act of old age relief and the Act on sickness insurance. He was seen as one of the most well-informed parliamentarians on these questions.

German schemes were implemented “top-down” contrary to the Danish preference for decentralised anchoring built on a “bottom-up” political procedures.

The former secretary of the 1885-Commission, Julius Schovelin³² (1889), was the only one arguing against Bramsen’s views. Schovelin saw the economic uncertainty of the workers as the core of “the labour question”, and the main objective was to remove this uncertainty. Therefore, one had to ask, which system of insurance best served this purpose:

Which mean is the best, if all workers are to become members of sickness funds? Incontestable: by compulsion. No, for Heavens sake, not by compulsion! Because compulsion means that we have to give up other important concerns. We will not educate the workers, strengthen their self-esteem and thrift, give them a feeling of moral responsibility etc. etc. But to these objections the simple answer is: No, my dear friends, we have to leave some concerns to the school, the church and the civil society. But if our core objective – to relieve all workers from economic uncertainty – is to be achieved, we must make use of compulsion. Why be anxious and troubled among many things, when one thing only is needful or are the workers – in order not to term them a “class” – best served by choosing between poor relief or starvation, when they become sick or old? Is the inclusion in a “class” that disgraceful, that it is better to let sick workers suffer, cripples starve, old and children beg rather than obliging Messrs Liberalists to use such an ugly word ... The German legislation is of utmost interest, because it represents an endeavour to implement an immediate solution to the problem in a country without a preceding development parallel to the British The necessity to act is caused by growing socialism. If Bramsen had seen that, he would have acknowledged the importance of the German social reform for our domestic problems. In Denmark as in Germany the trade unions are already tainted by socialism, they are already “vermoulu” [worm-eaten] (Schovelin 1889: 399-404).

Even though German and Danish sickness insurance had to meet some of the same needs, they originated from different institutional contexts. The liberal trade Act in effect from 1862 opened for people’s efforts to associate for the purpose of mutual support in times of need. The sickness funds were marked

³² Julius Schovelin (1860-1933) was as a young economist working for the 1885-Commission. He wrote a thorough description of the regulations and plans for developing of insurances in case of accidents at work. Politically, he strongly supported Estrup, and was opponent of the introduction of cabinet responsibility in 1901. He became the author of important works on economic history.

by a strong development and increasing number of members. A number of commissions had investigated possibilities for promoting this move by different forms of public approval criteria to facilitate and guide the development which was seen as highly desirable. Voluntary sickness funds were seen as compliant with the dominant liberal ideology and promoting liberal views of educating workers to bonus pater familias behaviour. The basic objective of the commissions was to preserve and promote rather than to abrogate the voluntary impulse toward mutual support and protection.

The German context was quite different. People were used to obligatory membership of corporations, the rules and customs of which governed mutual support in case of sickness. During the 19th century government policy had asserted the supremacy of the State vis-à-vis the corporations by dismantling some and introducing other regulations and constraints. It naturally followed that the new German sickness insurance resorted to reshaping and extension of the existing compulsory institutions. Liberal ideas on voluntariness were marginal compared to Danish thinking.

V.c Insurance in case of accidents

The British historian E.P. Hennock (1987, 2007) shows that European debates on insurance in case of accidents were marked by the tension between a German and a British model – the German elaborated in compliance with the German social insurance paradigm, the British representing employers' liability to pay compensation in case of accidents – the “social” versus the “liberal” principle.

When the German Act on social insurance in case of accidents was passed in 1884, Bramsen (1884) wrote a mordant criticism. Compulsory insurance was described as state socialism which would bring German capital “into villain service to the advantage of the pyramid of the Reich” (Bramsen 1884: 26). Even though industrial development pointed towards collectivisation of risks, it was a mistake to collectivise responsibility. A collective insurance arrangement was impersonal and mirrored guardianship that would destroy responsibility and morality. The concern of the government had to be restricted to support the responsibility which personal relations ensured under patriarchal conditions, not to undermine that responsibility. Bramsen was well

aware of the new conditions called forth by industrialisation, and acknowledged the implied, new understanding of risk. In 1882 the French radical politician Emile Cheysson defined professional risk – in the French usage, ‘*théorie du risqué professionnel*’ – as “...the risk assignable to an occupation which is ascertained independent of the fault of the worker or the *patrons*” (Rabinbach 1996: 57). The blame for industrial injury should no longer be placed on individual character but on the shared hazards of industrialization. Simultaneously, the same recognition of industrial risk prevailed in Germany, which among other factors led to the famous accident insurance law of 1884.

Bramsen was a strong opponent of the German model, but supported the need to develop accident insurance, based on the new idea of professional risk. In his review of Bramsens work, Professor Harald Westergaard³³ (1885) agreed with Bramsen on his critique of the “large apparatus” implemented in Germany, and his fear that a continuation along the chosen trajectory would be a slide leading far wider than desired. It would be better to have a “brief and accessible” Act and leave accident insurance to the private initiative, which in Denmark already had accomplished so much.³⁴

When the 1885-Commission on insurance in case of accidents – partly inspired by the adoption of the German scheme – reported (Betænkning 1887), it was underlined that, contrary to the policy field of insurance on sickness that

In this field we are not on historic ground. We have no associations of workers who have joined hands to ensure mutual protection in case of accidents, (Betænkning 1887: 71).

³³ Harald Westergaard (1853-1936) was statistician and economist. As a student he served as statistician for the 1875-Commission on the conditions of the working class. After education he travelled in England and Germany and got in touch with people aware of the social misfortunes in the wake of a liberal economy: the christian socialists in England and the socialists of the chair – in particular Brentano – in Germany. He was – in cooperation with Marcus Rubin actively involved in paving the way for the Act on relief in old age. He served as a member of the 1885-Commission. In 1886 he was appointed as professor at the Copenhagen University, but he continued to be strongly involved in all discussions on social matters.

³⁴ Westergaard in his review stated his intent to return to the problem in a future article in the Journal of the Economic Association. He did not do that, probably because he was appointed as member of the 1885-Commission.

There were no reasons, therefore, to expect a solution of the problem based on voluntariness. The state had to build up an arrangement from the bottom, and the German model appeared applicable. The secretary of the Commission, Julius Schovelin, wrote:

In principle the German Act relies on compulsory insurance. The peculiarity of the Act is that workers who have been subject to an accident or their dependents are not secured by compensation claims against individual employers according to the rules of civil law ... but their compensation follow from general norms, the cost of which is not carried by the single employer but by industry as such. The view of public law is that industry itself has to carry all production costs including the premium for risk of one's life. Since society has a social interest in ensuring this to happen, because the invalids of work otherwise would be a burden on the system of poor relief, the natural implication seems to be compulsory insurance established by public law (Schovelin 1887: 26-27).

The advantages were, so Schovelin stated, that insured workers were ensured the risk premium which social statisticians of the 1880s had demonstrated that the wage did not include. Moreover, the costs caused by provision for injured workers were accepted as production costs to be carried by employers in common. Finally, workers were ensured compensatory payments in all cases, by which "social peace" was maintained.

The Commission this way also acknowledged, that the new sociological understanding of risk confronted existing legal traditions. The private law in most European countries stated that an injured worker could only receive compensation, when individual fault could be placed on the employer (Mares 2003, Moses 2009). The legal burden of proof lay with the worker, which made it difficult for him to be paid any compensation. A strong liberal belief in freedom of contract prevented workers from succeeding in expensive lawsuits against employers. According to Pat O'Malley, the European courts could hardly intervene in a situation when the contracting parties were supposed to have allocated risks and benefits to their mutual acceptance (O'Malley 2004: 38). Whenever a worker agreed to work for a given salary, he accepted any risk connected to his occupation. Any hardships resulting from accidental injury were to be carried by the worker himself, mutual workers associations, benevolent employers, private charity, or, in the end, the poor

law. As a result of this, accident insurance emerged as a political solution to legal problems as well as a social problem of provision (Andersen 2009).

The Commission added two reservations only. Contrary to the German system, workers were entitled also to run civil proceedings, and they were not entitled to compensation if the accident was due to negligence on their part. The purpose of the latter was partly to ensure moral and preventive considerations partly to put employers and workers on an equal footing so that the employer, too, could run civil proceedings against the worker.

So far all members of the Commission agreed on the need of a new legal framework to deal with “accidental” or “faultless” work accidents as well as the need for a compulsive scheme. But the majority – led by Harald Westergaard – argued in favour of a linkage between sickness insurance and accident insurance – a view primarily motivated by a desire to give workers an incentive to join the sickness insurance funds. Insurance in case of accidents, therefore, was perceived by the majority in a help to self-help perspective when aiming at needy members of health insurance societies in all occupations. The minority – led by the social statistician and medical doctor, Th. Sørensen³⁵ – argued that there were no reasons for such a linkage, and that a linkage neglected the new understanding of industrial professional risks, i.e. the idea that industrialization gave rise to higher accident frequency and statistical regularity (Sørensen 1887a, 1887b). Sørensen argued that compensation should be granted to workers mainly in dangerous industrial occupations. But then any industrial wagedworker should be included in accident insurance and not only necessitous members of health insurance societies. Accident insurance should focus on the relationship between worker and employer alone.

In October 1888 the government put forward a bill that in most respects followed the recommendations of the Commission. Ludvig Bramsen was not appointed, even though he was seen as an expert on the subject. Everybody knew that he was a strong critic of compulsory insurance, and the fact that he was not appointed suggests that the aim of the government was to avoid dis-

³⁵ Serving as GP in Hobro Th. Sørensen (1849-1929) began to study the living conditions of workers in the towns and in the countryside followed by studies on frequencies of accidents at work. Due to his studies he was a highly qualified member of the 1885-Commission. When the Act on approved Sickness Funds had been adopted in 1892, Th. Sørensen was appointed as the first inspector of the Health Insurance Inspectorate.

cussions on compulsion versus voluntariness. The bill was met with some criticism outside the Parliament. The mathematician and Head of an insurance company, J.P. Gram³⁶ (1888) saw the German inspiration as a weakness. The Commission (and the government) seemed to have been too much impressed by the German legislation and being without courage to replace German ideas with something else better suited to the domestic situation or possibly developing an arrangement based on voluntariness. The initiatives of the government/state had to be restricted to develop overarching frames for private insurance companies' decisions on rules of liability and levels of benefits. The prominent jurist and later professor V. Bentzon³⁷ (1890) argued that the German principles were incompatible with existing Nordic principles of law regarding compensation and responsibility in case of bodily harm. Full security for the worker would dim morality, and if workers almost always were compensated an insurance law was actually turned into a law on social provision. Advocate of the Supreme Court Herman Halkier³⁸ (1890) agreed and argued in favour of a voluntary development of accident insurance.

Bramsen (1889d) continued his previous criticism and argued in favour of a law which clarified employers' individual liability for damages.

During the parliamentary debates cleavages within the Right were evident. The influential professor of law Carl Goos³⁹ was sceptical concerning the principle of "industries' compulsory self-help" and argued in favour of a linkage to the bill on approved sickness associations so that the system would appear as an organic and harmonious whole, build on proper principles (Rigsdagstidende, 1888/89, Landstingets Forhandlinger: 125). This was the minimum demand, for acceptance of the German paradigm. The bill, neverthe-

³⁶ Gram (1850-1916) was the founder of the accident insurance company Skjold (1884/85) and served as its director until 1910.

³⁷ Viggo Bentzon (1861-1937) was professor of law at Copenhagen University 1892-1930. He focused in his studies on harmonization of legislation in the Nordic countries.

³⁸ (1839-1915)

³⁹ Goos (1835-1917) was appointed as professor of law at Copenhagen University in 1862. As legal scholar he strongly defended the interpretation of the Constitution as entitling the King to appoint his government. He was elected to the Lower House 1880-84, and in 1885 he became appointed to the Upper House by the King. He gave unreserved support to the policy of Prime Minister Estrup. In the years 1891-1894 he served as Minister of Culture in the Estrup government.

less, was adopted by the Upper House. Presented to the Lower House in the following session the leader of the moderate Liberals (the farmers' party), Frede Bojsen⁴⁰ who was actively seeking reconciliation between the Right and the Liberals to end "the Constitutional struggle" acknowledged that in this policy area

... social currents and influences have come to us from Germany and we can not avoid that what has broken new grounds in Germany will unavoidable influence conditions and public feelings in Denmark
(Rigsdagstidende, 1890/91Folketingets Forhandling: 1187)

Early in March 1891 –following efforts of obstruction – the Lower House was ready to adopt a reform package including the peculiar Danish tax financed scheme on old age relief – to a large extent seen as a genuine alternative to the German social insurance in case of invalidity and old age – and a "German" inspired accident insurance.

The political situation, however, was complicated. One fraction of the Liberals led by Christen Berg⁴¹ strongly opposed all endeavours of reconciliation between the government and the majority of the Lower House. To block the on-going negotiations on old age relief Berg in cooperation with the influential economist Marcus Rubin⁴² worked out an alternative put forward at the end of 1890, but they did not succeed – even though their initiative meant important changes in what was actually adopted, see Petersen (1985) for a

⁴⁰ Bojsen (1841-1926) was theologian and strongly involved in the folk high school movement influenced as he was from the thinking of Grundtvig. He was elected to the Lower House in 1869. Early in his parliamentary career he acknowledged that cabinet responsibility could be introduced only through negotiations, but it had to last until 1890 before he stepped forward as leader of the group of Liberals seeking reconciliation with the Right – the centre of reconciliation being social legislation.

⁴¹ Christen Berg (1829-1891) was elected to the Lower House in 1865. He was the leader of the Liberals and strongly committed to the original 1849-Constitution. He declined all efforts to seek reconciliation between the parties unconditionally demanding cabinet responsibility. Therefore, he did what was possible to obstruct Bojsen's endeavour to compromise with the Right.

⁴² Marcus Rubin (1854-1923) was influential economist, statistician, historian and civil servant. In cooperation with Harald Westergaard he did a number of studies in the 1880s pointing towards social legislation. Rubin was skeptical regarding the "abstractions of the classical economic doctrine" as well as the influences from German economic theory. He went his own way.

thorough analysis of the events. Berg was more successful, however, in blocking the bill on accident insurance. In cooperation with Bramsen he worked out a proposal put forward as a bill on March the 12. 1891, a proposal which made compulsion and stately administration superfluous, promoted the sense of responsibility among individuals and authorities, and included everybody (Andersen 2006: 71). Whereas the Berg-Rubin initiative actually served as a catalyst for the reconciliation between the Right and the “negotiating Liberals”, the Berg-Bramsen bill, an effort of obstruction, was crowned with success. The Minister of the Interior tried to brush the bill aside by identifying the proposal only with Berg, i.e. by trying to describe the proposal as a party political manoeuvring arguing that Bramsen – a highly respected expert – would hardly be able to recognize his own thinking and ideas in the proposal. The minister did not succeed, because Bramsen declared in public that he willingly appropriated the credit for having elaborated the proposal which he described as “... a great and important thought and a genuine basis for a true social reform ...” (Andersen 2006: 73). Even though the proposal was turned down in parliament the government’s bill did not come to a third reading in the session 1890/91, and when it was put on the agenda in the subsequent session, the bill stranded in the parliamentary committee. “The German inspired” bill was taken as hostage in the parliamentary stride, and actually the hostage was killed. Bramsen managed to frame the German model as a negative foil, and apparently sceptical supporters of the government bill now turned against it. The Commission of 1885 and the conservative government perceived the German model as a proper way to address the workers question. But they had underestimated the deeper sentiments of many politicians of both sides. On the other hand, Bramsens bill did not pass either – rather a period of stalemate occurred.

When the issue of accident insurance reappeared at the parliamentary agenda in 1895 Bramsen was a very influential parliamentarian, and the end result was the adoption of the liberal model – not the German paradigm. However, strictly party political struggles once more threatened to obstruct the passing of an accident insurance. Especially when moderate liberals questioned the role of Bramsen as social expert, now being a conservative Member of Parliament. Even the conservative government re-endorsed their old bill, merely to downsize any scheme at all. To cut through party “squabbles”

Bramsen this time campaigned for his project, now armed with the latest German accident statistics of 1895. Bramsen showed that the frequency of industrial accidents in Germany and Austria had more than doubled in 10 years and that the expenses were skyrocketing (Bramsen 1896: 1276-1278).

Now, Bramsen argued, there was statistical evidence of the disadvantageous nature of the German precedent. The German model subverted responsibility among workers as well as employers. These new statistics finally broke the stalemate on accident insurance and spurred an unprecedented sudden strong political effort to actually pass a law (and not just prevent one) to compensate workers. The assumption was that individual employer liability with freedom of risk management in fact would induce the employers to undertake measures of accident prevention (*Rigsdagstidende* 1896-97, Tillæg B: 961-972).

Not only did Bramsen succeed in framing the German model as a “negative foil”. He also made the liberal model a positive one. But not as a clear cut “negative lesson” drawn from German experience, as no one actually knew, whether the increasing number of accidents resulted from growing negligence, or, as German experts stated, from a greater propensity of workers to claim their rights (Hennock 1987: 65ff). But clearly, the statistics fuelled the already present political anxieties towards the German model.⁴³ According to scholars like E. P. Hennock (1987: 63-79), Anson Rabinbach (1996: 64), and Janet Horne (2002: 204-208) this ideological reading of the German statistics also contributed to the final victory of the liberal model in France and Great Britain in the late 1890s.

VI. Administrative considerations

The Danish debates mirrored reluctance against “a large administrative machinery” probably reflecting the acknowledgement that Danish administrative capacities were not on a par with the German. State- and administrative capacities played a role.

⁴³ Prominent Danish social experts, as the earlier mentioned Cordt Trap (1902), were in fact not alarmed by the German statistics. They turned out to be much more ambivalent than politicians and the public opinion (Andersen 2006: 97-110).

As mentioned above professor Carl Goos had at the meeting of the Right in 1888 (Beretning 1889) described the German model as mirroring “a lot of duress and much art”. This was a view met again and again in Danish discussions. When Berg and Hørup⁴⁴ put forward their proposal (to block the endeavours of reconciliation, see above), Hørup (Rigsdagstidende 1890/91, Folketingets Forhandlinger: 1611-1622) in his presentation rejected the German counterpart as build on unacceptable compulsion, insufficient benefits and its “discouraging and circumstantial machinery and administration”. In Denmark it was so discouraging that proposals along German lines were unthinkable.

Presenting his ideas on a tax financed old age pension to the public Marcus Rubin (Beretning om forhandlingerne ... 1889) criticized the German scheme’s comprehensive “apparatus” and complicated entry system, and retrospectively he wrote about the “creaking, German corporative, compulsory and controlling apparatus” (Rubin 1911: 245). Similarly Bramsen (1889a) talked about this “giant organisation” foreign to Danish way of thinking, Danish Constitution and sentiments voiced by government and parliament regarding relief in old age. It was an advantage of Rubin’s proposal that the administration would be negligible, in particular if it was placed with the municipalities.

Niels Neergaard⁴⁵ – later Prime Minister, but in 1890/91 expert on social policy and advisor to the negotiating Liberals – refused to consider the idea of

⁴⁴ Even though Viggo Hørup (1841-1902) was educated in law he won his reputation as writer and journalist. Hørup worked hard to win the intelligentsia for the Liberals arguing with the Brandes brothers for modernization of Danish society. In the period around Bojsen’s endeavours to seek reconciliation Hørup reentered his cooperation with Berg combating Bojsen’s efforts.

⁴⁵ Niels Neergaard (1854-1936) was historian and as a young man he traveled in Germany and England making himself familiar with economic and social questions of the day. He was particularly interested in the new efforts to change the conditions of the working class, and he worked within the Liberals to promote social reforms. He was elected to the Lower House in 1887, but lost his seat in 1890. He continued his cooperation with Bojsen and Klaus Berntsen and influenced their thinking on provision in old age and other social issues. He strongly pushed the Liberals to work out a more systematic “social program”. Later he became a very influential member of the Liberals, and it was during his period as Prime Minister 1920-1924 that the first really “modern” reform of social policy, including the enactment on provision in case of invalidity and the principle of “rights” was adopted.

importing the German paradigm partly because of its formal, administrative machinery:

What a number of new civil servants would not be needed if we had to introduce this creaking machinery based on individual insurance accounts for every worker and humble person in the country, with control, restraint, wage classes etc. etc. A system being that complicated can only be thought out in the brains of German professors and bureaucrats (Neergaard 1890).⁴⁶

In a discussion some years later on a possible replacement of the discretionary benefit determination by fixed benefits or at least minimum or maxi-

⁴⁶ Similar views were voiced in Britain during the debates on “Workmen (compensation for accidents) Bill” in May 1897. During the debate in the House of Commons, Joseph Chamberlain said: “It is quiet true ...that there (i.e. in Germany) the insurance is paid not by individual employers, but by an association of employers [Berufsgenossenschaften] formed for the purpose. The association can exercise a certain control over its individual members ... But ... in this country it would [not] be possible, or, if possible, it would [not] be desirable, to force anybody in a particular trade into an association of this kind. The elaboration of the system, its bureaucratic tendency, and the arbitrary interference of officials are all matters which are so objectionable to English people ... that I believe it is absolutely impossible and absolutely impracticable to attempt any system of operations of that kind” (HC Deb 03 May 1897 vol 48 cc1467). Later the Secretary of State for the Home Department, Matthew Ridley, said: “[Nobody hardly expects] that the government could have proposed a scheme of compulsory trade responsibility or insurance. Anyone who has studied the details of the German system will feel that it could never be introduced into this country and such arrangements made voluntarily, as is the custom in this country, will be far more effective and economical and in accordance with English feeling than any compulsory system” ((HC Deb 17 May 1897 vol 49 cc699-700). During the same debate H.H. Asquith said: “The German system may be very well suited to the economic and social conditions of that country, but its adoption here – resting as it does on the double foundation of compulsory grouping and centralised control – would require us to fry in the face of the traditions and the living tendencies of British industry. [Cheers.] I thought that the Government were perfectly right in discarding that feature of the German system, although it must be admitted that in so doing they have been obliged to deprive the workman of a security which, under the German system, he does undoubtedly enjoy. Let us see how it works out. It is said that under this Bill the employers will insure. I believe that in a large number of cases they will, though there is no obligation to do so” (HC Deb 18 May 1897 vol 49 cc750). These British comments are quiet similar to views frequently voiced in Denmark.

mum benefit levels, the later Prime Minister Klaus Berntsen⁴⁷ warned against abolishing discretion because in that case we have to develop a large machinery of civil servants like the one in Germany (Rigsdagstidende 1896/97, Folketingets Forhandlinger: 935-36).

VII. Other arguments

In compliance with Brentano's arguments it was underlined that a compulsory contribution (to an old age insurance) would serve as an income tax to be paid also in case of unemployment and sickness. If the individual could not pay either the future benefit would be reduced or special regulations had to be set up exempting contributory payments in such cases. But if so the costs would be shifted to other workers, but this was unacceptable from a distributional point of view. Speaking in favour of the Berg-Rubin proposal, Viggo Hørup (Rigsdagstidende 1890/91, Folketingets Forhandlinger: 1771-1772) rejected contributory payments because the right to work was not guaranteed.

Another important criticism of the German paradigm was its limitation of coverage to workers. The reluctance to "class based" legislation was strong partly because coverage based on social class or occupational status was incompatible with the structure of the agricultural workforce covering landless labourers, cottars and small holders. The double role of cottars and smallholders as both independents and farmhands made attempts to distinguish between dependently employed and independents impossible. Rubin (Beretning om forhandlingerne ..1889: 36) strongly criticized the German use of social classes – alternatively arguing in favour of a criterion mirroring "lack of resources". Bramsen similarly saw classifications based on social class as being at variance with the Constitution. At a party meeting in 1890 the Right argued against use of social class as a basis because of social mobility across classes.

The German model also was criticized, because the public purse was laid under an obligation for an unlimited time –a trajectory from which retreat was impossible. Bramsen as well as Neergaard expressed concern with the huge

⁴⁷ Klaus Berntsen (1844-1927) was the third in the triumvirate of Bojsen, Neergaard and Berntsen. Bojsen was the one ensuring cooperation with the Right, Neergaard the man of ideas and Berntsen the one who kept the group of "moderate Liberals" together. He was member of the Lower House 1873-1884 and 1886-1926, Prime Minister 1910-1913.

capital accumulation of the state. This concern was also voiced at a meeting in the Economic Association (Tvermoes 1884).

Several contributors to the Danish debate voiced concern about the German decisions “from above” preferring the Danish “bottom up”-procedure.

VIII. Subsequent Danish evaluations

Bramsen (1892) noted that the Act on old age relief “untied the knot” in such a peculiar manner that knowledge about the conditions abroad or even the previous Danish discussion was unnecessary to an understanding of the 1891-Act. Years later *The Journal of Workers Insurance* (Trier 1905/06) endorsed this view. In a public lecture the outstanding representative of the sickness insurance associations, Vilhelm Munck (*Sognerådstidende* 1891) pointed to the peculiar Danish development – not least compared to the German: “We have chosen our own trajectory not formed after a pattern”. He saw the 1891-Act as placed “equidistantly from the strict German system in which the state governs from above, and the praiseworthy British development where workers do not want the support of the state but develop suitable institutional forms on their own”. The outstanding economist Harald Westergaard (1915) who was actively involved in the debates on social policy noted that “the simple (compared to the German paradigm) solution” was more in compliance with Danish national character.

In 1897 the *Journal of the Sickness Insurance Associations* wrote that Denmark had entered a real peculiar developmental trajectory by the adoption of the Act on approved sickness associations in general and the Act on old age relief in particular. It has been said that no counterparts exist in the legislation of other countries, and it is gratifying that this small country has chosen its own path instead of imitating others. The journal added that “comparison between the German and Danish sickness insurance turned out to the advantage of the mother country”. In Germany the compulsory elements were continuously strengthened –the government dominating and pushing the sickness

funds around, while the sickness funds in Denmark had an extreme freedom supported by governmental guidance and support.

IX. Policy transfer of a key concept?

In his classic history on the State and poverty professor Kjeld Philip (1947: 71-72) argued that “nothing suggests that Bismarck’s policy influenced Danish social policy in the 1890s to any appreciable extent”. The Danish acts mirrored the preceding development founded on Danish traditions, and none of Bismarck’s ideas were taken over. In another classical analysis professor Jørgen Dich (1962: 36 and 40) restricts himself to argue that the development in Germany possibly played a role, and that the appointment of the 1885-Commission possibly was inspired by the German 1884-Act on accident insurance. Philip’s view is endorsed by Kuhnle (1981), but it represents a truth with important qualifications.

It is true that none of the German ideas were taken over, but the German ideas were an ingredient part of the Danish debate, but served mainly as negative foil for efforts to develop a particular Danish pattern complying with Danish traditions, legacies, self-knowledge, “national character”, and ideology – implying efforts to develop a peculiar trajectory strengthening community building in the wake of the traumatic loss of the northern part of Schleswig. It has not much to do with “negative lesson drawing” in the sense of watching perceived mistakes of others. Rather the procedure chosen by Germany was used as a model not to be followed – a scare image.

Policy transfer – in the form of a scare image exemplified by Germany – took place at the national level. The key actors involved were partly politicians, experts, experts being also politicians and some politicians who had attained expert status in the field of social legislation. The object of (negative) transfer was a specified program – the German “social insurance paradigm” –, its administrative technique and the implied policy goal embedded in an ideology of the State. As far as the degree of transfer is concerned one might argue that “inspiration” was working – at least with regard to the appointment of the 1885-Commission. Policy transference – though in a negative format – was motivated by the fact that the two countries both faced the “labour question”, but the question was understood in different manners. In Germany, so

the Danish arguments, efforts focused on enhancing the power of the Imperial government by giving the State a providing role, thus repressing the workers' movement by making workers dependent on the State. The idea of repression was not completely absent from Danish thinking, but it was a side motive only, and the State was primarily seen as a protector of individual freedom. Whereas German thinking stressed the supremacy to the point of idolizing the State, Danish ideas pointed to the State as an instrument for promoting welfare. The focus in Denmark was removal of specified categories of deserving poor from the operation of the poor law. German efforts aimed at Reich-building, while in Denmark endeavours to develop social legislation partly served to improve the conditions of farm hands with improvement of the economic conditions of the farmers in mind and partly served as a means in building national identity. The German "social insurance paradigm" was initiated by the State for the State, while Danish initiatives were called forth by a demand from the dominant group of the farmers in combination with a desire to end the parliamentary deadlock through reconciliation between the parties catalysed by a wish to cope with the "labour question".

Lessons from Germany were drawn in a highly selective manner. This is primarily seen from the bias in the presentation of German ideas in the *Economic Journal* of the Economic Association editorially dominated by professors of economics firmly anchored in teaching of classical economic liberalism. Most of the experts taking part in debates on social policies were strongly involved with the Economic Association, and to some extent the argumentation of the politicians echoed arguments of the expert economists. German thinking was identified with "state socialism" in contrast to the liberal minded Danish debate.

Only in case of accident insurance, it looked as if the idea of compulsory insurance was accepted because accident insurance represented a policy field in which no tradition and legacy existed. The opponent of compulsion Ludvig Bramsen was left out of the 1885-Commission, the Commission's proposal was built along German lines, and it was followed by the government's bills on accident insurance. This notwithstanding Bramsen and Berg succeeded in obstructing the plans by postponing decisions.

At least some Danish actors were willing to accept compulsory insurance in this field due to lack of precedence. Benevolent employers and private in-

insurance companies only scantily alleviated the social problems following accidents. And prior to the German model, no sufficient way of addressing the fundamental legal problems with “injuries without individual fault” existed. In the fields of protection in old age and sickness, on the other hand, continuity, gradual development and “organic growth bottom up” were strongly emphasised:

We are developing the existing societal structure without precluding options for future changes if the outcome of some decisions should prove less beneficial, and we can do that without resorting to “other systems” or a complete rearrangement. I assume that what is used and known by the population is the high road appreciated by the population as an alternative to the otherwise needed development of a large apparatus of civil servants (Rigsdagstidende 1890/91, Folketingets Forhandlinger: 4545).

Despite the peculiarity of the “Danish solution” it was understood as anchored in historical continuity built as it was on existing institutions with which the population was familiar. No new apparatus, no new administration was set up. The “solution” was founded in old, used and known practices – a new seed on the social organism which as time went on would develop according to its needs. This understanding is deeply embedded in “Danish national character” and to some extent it explains why the “German system” was used as scare-image. Even though the “great architecture” of the Germans was mentioned, it was counteracted by a basically different understanding of what politics was about. A good illustration is the view of Niels Neergaard in an interview (Arnskov 1914) that the basis of his political work was the consciousness that “development was determined by nature, protracted and long-winded”, resistance against forcing progress beyond what the population was willing to accept, efforts to keep the objective in mind, but to accept the small steps, if time was not ripe for the larger ones. Harald Westergaard (1915) argued along similar lines writing that “the simple Danish solution” was better corresponding with (than was the complicated German one) Danish “national character”. In a Danish context “great architectural achievements” imposed from above must give way for “organic growth” implemented “bottom up”.

Past policies, political legacies, different views on the role of the State, different State capacities, different ideologies, negative attitudes towards

Germany etc. explain why Kjeld Philip concluded that “nothing suggests that Bismarck’s policy influenced Danish social policy in the 1890s to any appreciable extent”. As it has been demonstrated in this contribution Danish debates on social policies during its formative years was strongly influenced by German thinking, but the German set up served not as a model to be imitated or domesticated in one way or another. On the contrary, it served as the negative foil for Danish efforts to develop a Danish trajectory firmly anchored in the Danish past, as a scare-image to be avoided – not because of its “failure” in a German context, but because of its unfamiliarity to a small people in a small peripheral state strongly – and perhaps having an exaggerated opinion of itself – seeking its own national identity.

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